



## **Hermantown Planning & Zoning Meeting – August 20, 2024**

Hermantown's upcoming Planning & Zoning meeting will include both remote access and in-person access to Council Chambers. The remote access will be available through the platform, "Zoom," which allows the public to view and participate in the meeting via phone or computer. Interested parties can also choose to attend the Planning & Zoning meetings in person at City Hall.

Remote access to the 7:00 pm Planning & Zoning Meeting will be available at:

<https://us02web.zoom.us/j/89710487385?pwd=RFZYekswalBBNEluUjZXTXVQUEYydz09>

and/or by calling the number (312) 626-6799 and utilizing the meeting ID number of 897-1048-7385 and the passcode of 122771.

A few important tips regarding the Zoom platform:

- If your computer does not support audio, you can still watch the meeting on your computer and call in on your phone to hear the meeting.
- Everyone has varying levels of comfort regarding remote technology, so grace and understanding are appreciated.



## PLANNING & ZONING COMMISSION

*Agenda*  
August 20, 2024  
7:00 PM

**1. ROLL CALL**

**2. APPROVAL OF AGENDA**

**3. APPROVAL OF MINUTES**

3A. July 16, 2024 regular meeting.

**4. PUBLIC DISCUSSION** – Public comment on any item not otherwise listed on the agenda.

**5. PUBLIC HEARINGS**

5A. An application by Robb Stauber for a Subdivision to create a 164-foot-wide parcel of 0.99 acres and a 2.05-acre lot accessed by way of a flag lot of 33-foot width at 5019 Thompson Road. The property is located in an R-3 zoning district.

5B. An application for a Special Use Permit by Glen Pratt for grading and filling in a Natural Environment Shoreland Area for the purpose of constructing an 1,800 square foot accessory structure. The property is located at 5075 Willoughby Lane and is located in a R-3, Residential zoning district.

5C. An application for a Special Use Permit by Glen Pratt for the purpose of constructing an 1,800 square foot accessory structure. The property is located at 5075 Willoughby Lane and is located in a R-3, Residential zoning district.

5D. An application for a Variance by Glen Pratt for the purpose of constructing an 1,800 square foot accessory structure. The variance request is for a 25' reduction in the front yard setback associated with the construction of the accessory structure. The property is located at 5075 Willoughby Lane and is located in a R-3, Residential zoning district.

5E. An application for a Special Use Permit by Tyler Miller for grading and filling in a Natural Environment Shoreland Area for the purpose of constructing a single-family home and associated site improvements. The property is located at 5113 Sheridan Road and is located in a R-3, Residential zoning district.

**6. CONTINUING BUSINESS**

**PLANNING & ZONING COMMISSION**

August 20, 2024

**7. NEW BUSINESS**

**8. COMMUNICATIONS**

**9. COMMISSION MEMBER REPORTS**

Joe Peterson

Corey Kolquist

Valerie Ouellette

Beth Wentzlaff

Kevin Hagen

Matthew Fournier

John Stauber

John Geissler

**ADJOURN**



## PLANNING & ZONING COMMISSION

July 16, 2024 Meeting Summary

7:00 PM

### 1. ROLL CALL

Members Present: Corey Kolquist; Valerie Ouellette; Beth Wentzlaff; John Stauber; and Kevin Hagen

Members Absent: Joe Peterson; Matthew Fournier; and John Geissler

Others Present: Trish Crego, Utility & Infrastructure Director; George Winkler, 5330 Maple Grove Rd.; Roger Amborn, 5337 Sunnyview Rd.; and Peter Walkowiak, Sunnyview Rd.

### 2. APPROVAL OF AGENDA

Motion made by Valerie Ouellette to approve the July 16, 2024 agenda as presented. Seconded by John Stauber. Motion carried.

### 3. APPROVAL OF MINUTES

Motion made by Kevin Hagen to approve the June 18, 2024 minutes as presented. Seconded by John Stauber. Motion carried.

### 4. PUBLIC DISCUSSION

None.

### 5. PUBLIC HEARING

- 5A. An application by Clear Vision Builders LLC for a Special Use Permit for the construction of a two-family home located at 380x Stebner Road. The property is located in an R-3 zoning district.

Trish Crego, Utility & Infrastructure Director spoke to the commission members regarding the application by Applicant, Clear Vision Builders LLC, for a Special Use Permit.

The Applicant (Clear Vision Builders LLC) has an option to purchase the subject property in the Stebner Woods subdivision. This original property had been subdivided from the Bethany Cemetery property in 2022 with 8 lots being platted for residential development. The original property was rezoned from P, Public to R-3, Residential.

The Applicant is seeking to construct a two-family home (twinhome) on the property. The property is approximately 2.43 acres in size and consists of a large wetland on the south portion of the property and upland area in the northern quarter of the property.

There were no members of the public who spoke regarding the application.

Motion made by Valerie Ouellette to approve the application by Clear Vision Builders, LLC for a Special Use Permit for the construction of a two-family home located at 380x Stebner Rd. Seconded by Beth Wentzlaff. Motion carried 5 to 0.

- 5B. An application by Peter Walkowiak. for a rezoning of parcels 395-0140-00065 and 395-0140-00070 (53xx Sunnyview Road) from P, Public to R-3, Residential zoning district.

According to Trish, City staff has received a request from the current property owner/applicant (Peter Walkowiak) to rezone two parcels along Sunnyview Road from P, Public to R-3, Residential. The applicant inherited the property in 2021 from Jowan Brand, the previous owner, who had maintained a pet cemetery on the parcels since the 1960's through the early 2000's.

There were three members of the public who spoke to the former use of the property as a pet cemetery.

Motion made by Valerie Ouellette to approve the application by Peter Walkowiak. for a rezoning of parcels 395-0140-00065 and 395-0140-00070 (53xx Sunnyview Road) from P, Public to R-3, Residential zoning district. Seconded by John Stauber. Motion carried 5 to 0.

**6. CONTINUING BUSINESS**

None

**7. NEW BUSINESS**

None

**8. COMMUNICATIONS**

None

**9. COMMISSION MEMBER REPORTS**

Joe Peterson – Absent

Corey Kolquist – None

Valerie Ouellette – None

Beth Wentzlaff – None

Kevin Hagen – None

Matthew Fournier – Absent

John Stauber – None

John Geissler – Absent

**ADJOURN**

Motion made by Beth Wentzlaff to adjourn the meeting. Seconded by Kevin Hagen. Meeting adjourned at 7:26 pm.

Officiated by:

Transcribed by:

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Joe Peterson, Chairman

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Mary Melde, Administrative Assistant



**5A. Subdivision Application to create a flag lot in an R-3 zoning district**

- Applicant:** Robb Stauber  
**Case No.:** 2024-45-SUB-A  
**Staff Contact:** Eric Johnson, Community Development Director  
**Request:** Subdivision of an R-3 zoned property to create a flag lot.

**DESCRIPTION OF REQUEST:**

The property owner owns a 3.04 acre property at 5019 Thompson Road. The property has a lot dimension of 201' x 660'. There is an existing home and two outbuildings located on the eastern side of the property.

The property owner proposes to create a new flag lot along the western border of the existing property. The property owner is proposing a 33 foot 'pole/driveway' connection to Thompson Road for a distance of 225 feet with the 'flag' portion of the lot being approximately 201' x 385'. The proposed lot sizes for the two total parcels are:

Parcel A: 33' x 225' and 201' x 385' = 89,488/ 43,560 sf. or 2.05 acres

Parcel B: 168' x 224' = 43,306/43,560 or 0.99 acres

The property owner intends to keep the existing home and outbuildings as is and either market the new lot or build on the proposed parcel at a future date. Any new home application will require coordination with the City Utility Clerk for utility hook ups and Public Works regarding driveway locations.

**SITE INFORMATION:**

- Parcel Size:** 3.04 acres  
**Legal Access:** 5019 Thompson Road  
**Wetlands:** None per the NWI  
**Existing Zoning:** R-3, Residential  
**Minimum Lot Area:** 0.5 acres (City services are available)  
**Airport Overlay:** No  
**Shoreland Overlay:** No  
**Comprehensive Plan:** Residential

## **BACKGROUND:**

The City updated its regulations covering splitting of land and subdivisions in 2016. The update to the regulations created a process to allow flag lots in residential zoning districts. A flag lot is defined as a lot containing an area shaped like a “flag” which is the portion of the lot where all structures are to be located and an area shaped like a “pole” which is the portion of the lot where the vehicular access between the flag and its adjoining road shall be located. The regulations set ten standards for flag lots in Hermantown. These are listed in the Findings section. Flag lots require a public hearing by the Planning Commission and approval by the City Council.

Administrative approvals and Flag Lot approvals require a certificate of survey, resulting legal descriptions, and review of any assessments. In addition, the City charges a fee in lieu of land dedication of \$1,100 for parks and recreation for every new residential lot created.

There are existing City water and sanitary sewer services to the existing home. There is City water and sanitary sewer mains located in Thompson Road. The new flag lot will also be required to utilize City sanitary sewer and water services and pay all applicable availability and hook-up fees.

The National Wetland Inventory does not show the presence of wetlands on the property.

## **FINDINGS:**

Staff recommends the following findings of fact regarding the flag lot split application:

- 1. The resulting lots do not violate any provision of the Hermantown Zoning Regulations, Comprehensive Plan, or any other local ordinance.** The new lot exceeds minimum standards in the R-3, Residential District, maintains the suburban residential development pattern identified in the Comprehensive Plan, and has access to water and sewer.
- 2. The width of the flag lot at the front yard setback line must meet the lot width requirements of the Hermantown Zoning Regulations.** The lot is 146’ wide at the front yard setback line which exceeds the requirement of 100’.
- 3. The pole portion of a flag lot shall not exceed 500 feet.** The pole is 224’ feet long.
- 4. The pole portion of a flag lot must have a minimum width of 30 feet, be of uniform width, be a platted part of the flag lot, and connect to a public street. The driveway shall be set back a minimum of 10 feet from the neighboring property that was not used to create the flag lot and five feet from the mother property.** The pole is 33’ wide. Approval of building permits will be conditioned on siting of the driveway to meet setback standards defined in Section 1010.04.04 of the Hermantown Zoning Regulations.
- 5. The pole portion of the flag lot will not be included in calculating the minimum lot area.** The lot area without the “pole” is 1.77 acres which exceeds the ½ acre minimum lot size of the R-3, Residential zoning district.
- 6. Only one flag lot may be created from an existing/mother property.** The city will record that no further flag lots can be created from PIN # 395-0014-00150.
- 7. Must be used exclusively for single family dwelling and accessory uses.** The intended use of the new developable lot is for single family residential. The City will only issue building or zoning permits for single family residential and related uses.
- 8. The City must determine that the creation of the flag lot will not interfere with future development of roads or interior lands.** The land to the north, east and west of the subject parcel have existing single family homes located on them.

9. **The City must determine that the flag lot provides adequate accessibility of emergency responders.** The proposed pole meets minimum width and is less than the maximum length. Both standards were developed with emergency response vehicles in mind.
10. **All flag lots must display an address at their closest point of access to a public street for emergency responders.** The applicant will have to assent to displaying 911 addressing in a visible location at the entrance of the driveway.

**RECOMMENDATION:**

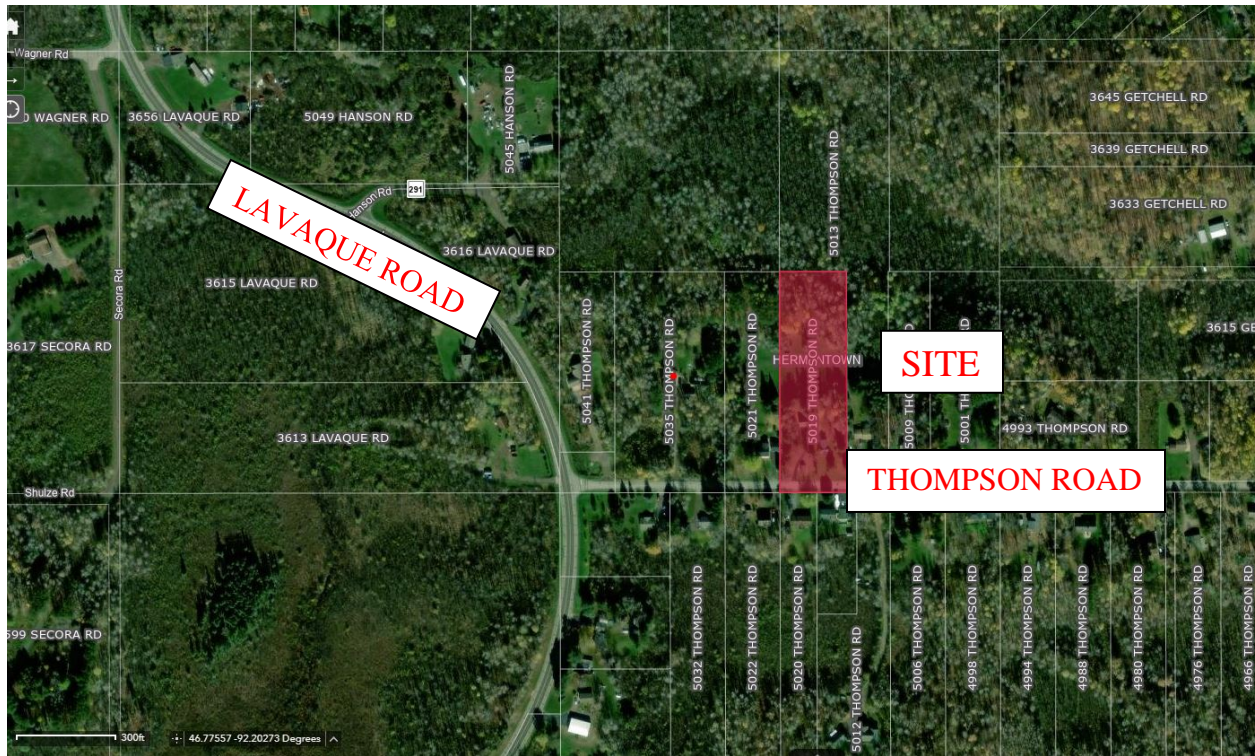
1. Recommend approval of the creation of a 201' by 385' flag lot with a 33' by 224' pole abutting Thompson Road.
2. Adopt the stated Findings of Fact and other content of this report as the required findings identified in Section 1010.04.11.6 of the Hermantown Zoning Regulations.
3. Prior to recording of the flag lot, the property owner shall pay a fee in lieu of land dedication for parks and recreation of \$1,100.
4. Prior to issuance of a City land alteration permit for site work on the flag lot the property owner of the land alteration permit will provide a site plan depicting the driveway and flag the location of the driveway for inspection to confirm that it meets setback requirements listed Section 1010.04 of the Hermantown Zoning Regulations.
5. The new flag lot will be required to utilize City sanitary sewer and water services and pay all applicable fees.
6. The property owner shall sign a consent form assenting to all conditions of this approval.
7. The property owner shall pay an administrative fine of \$750 per violation of any condition of this approval.

**ATTACHMENTS**

- Location Map
- Proposed Survey and Legal Descriptions



# Location Map



PARENT LEGAL DESCRIPTION PER DOCUMENT NO. 1350745

E 1/2 OF SE 1/4 OF NW 1/4 EX ELY 333.71 FT OF SLY 660 FT & EX N 1/2 & EX WLY 125 FT OF ELY 458.71 FT OF S 659 FT OF SECTION 35, TOWNSHIP 50, RANGE 15 OF HERMANTOWN, ST. LOUIS COUNTY, MINNESOTA.

LEGAL DESCRIPTION OF PARCEL A

That part of the East Half of the Southeast Quarter of the Northwest Quarter of Section 35, Township 50 North, Range 15 West of the Fourth Principal Meridian, St. Louis County, Minnesota described as follows:



















Commencing at the West Quarter corner of said Section 35; thence on an assumed bearing of North 89 degrees 45 minutes 52 seconds East, along the South line of the Northwest Quarter of said Section 35 for a distance of 2012.89 feet to the point of beginning of the parcel herein described; thence South 89 degrees 45 minutes 52 seconds West, along the South line of said Northwest Quarter 33.00 feet to the West line of the East Half of the Southeast Quarter of the Northwest Quarter; thence North 00 degrees 18 minutes 12 seconds West, along said West line 660.09 feet to the North line of said East Half of the Southeast Quarter of the Northwest Quarter; thence North 89 degrees 45 minutes 34 seconds East, along said North line 201.10 feet to a line parallel with and distant 458.71 feet Westerly of the East line of said East Half of the Southeast Quarter of the Northwest Quarter; thence South 00 degrees 19 minutes 01 seconds East, along said parallel line 385.11 feet to a line parallel with and distant 275.00 feet North of the South line of said East Half of the Southeast Quarter of the Northwest Quarter; thence South 89 degrees 45 minutes 52 seconds West, along said parallel line 146.70 feet; thence South 04 degrees 09 minutes 52 seconds West 275.81 feet to the point of beginning. Said parcel contains 89,488 square feet or 2.05 acres.

LEGAL DESCRIPTION OF PARCEL B

That part of the East Half of the Southeast Quarter of the Northwest Quarter of Section 35, Township 50 North, Range 15 West of the Fourth Principal Meridian, St. Louis County, Minnesota described as follows:

Commencing at the West Quarter corner of said Section 35; thence on an assumed bearing of North 89 degrees 45 minutes 52 seconds East, along the South line of the Northwest Quarter of said Section 35 for a distance of 2012.89 feet to the point of beginning of the parcel herein described; thence North 04 degrees 09 minutes 52 seconds East 275.81 feet to a line parallel with and distant 275.00 feet North of the South line of said East Half of the Southeast Quarter of the Northwest Quarter; thence North 89 degrees 45 minutes 52 seconds East, along said parallel line 146.70 feet to a line parallel with and distant 458.71 feet Westerly of the East line of said East Half of the Southeast Quarter of the Northwest Quarter; thence South 00 degrees 19 minutes 01 seconds East, along said parallel line 275.00 feet to the South line of said East Half of the Southeast Quarter of the Northwest Quarter; thence South 89 degrees 45 minutes 52 seconds West, along said South line 168.25 feet to the point of beginning. Said parcel contains 43,306 square feet or 0.99 acres.


**LEGEND**

|   |                    |   |                                 |
|---|--------------------|---|---------------------------------|
|  | BITUMINOUS SURFACE |  | POC-POINT OF COMMENCEMENT       |
|  | PAVER SURFACE      |  | POB-POINT OF BEGINNING          |
|  | EXISTING BUILDINGS |  | EXISTING BUILDING LINE          |
|  | LP GAS TANK        |  | OVERHEAD UTILITIES              |
|   |                    |  | SECTION SUBDIVISION LINE        |
|   |                    |  | CENTER LINE                     |
|   |                    |  | RIGHT OF WAY LINE               |
|   |                    |  | BOUNDARY LINE AS SURVEYED       |
|   |                    |  | PROPOSED PARCEL LINE            |
|   |                    |  | REFER TO SURVEYOR'S NOTES       |
|   |                    |  | ALUM CAPPED MONUMENT            |
|   |                    |  | SET CAPPED REBAR RLS. NO. 49505 |
|   |                    |  | GUY ANCHOR                      |
|   |                    |  | UTILITY POLE                    |

SURVEYOR'S NOTES

1. RIGHT OF WAY OF THOMPSON ROAD AS TRAVELED.
2. E LINE OF BUILDING LIES 0.7 FT EASTERLY OF SURVEYED BOUNDARY LINE.
3. E LINE OF BUILDING LIES 3.1 FT EASTERLY OF SURVEYED BOUNDARY LINE.
4. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
5. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

  
David R. Evanson  
MN License #49505  
DATE:10-4-2023

**CERTIFICATE OF SURVEY**

CLIENT:ROBB STAUBER  
ADDRESS:5019 THOMPSON RD,  
HERMANTOWN, MN 55811  
DATE:10-04-2023

REVISIONS:

JOB NO:23-306 SHEET 1 OF 2

  
ALTA  
LAND SURVEY COMPANY  
PHONE: 218-727-5211  
LICENSED IN MN & WI  
WWW. ALTALANDSURVEYDULUTH.COM

SEC. 35

S 1/4 COR SEC. 26,  
TWP. 50N, RGE. 15W  
PER DOC. 1435635

N LINE OF E 1/2 OF SE 1/4 OF NW 1/4  
N89°45'34"E 201.10

N89°45'34"E 458.71

### PARCEL A

STAUBER ROBERT & SHIVAUNE  
PID NO. 395-0014-00150  
89,488Sq. Feet  
2.05 Acres

1/4

NW  
1/4

OF

1/4

SE

OF

1/2

W

W LINE OF E 1/2 OF SE 1/4 OF NW 1/4  
N00°18'12"W 660.09

609.34

385.11

S00°19'01"E 660.11

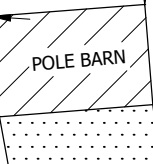
E LINE OF SE 1/4 OF NW 1/4  
660.15  
N00°19'01"W 2640.59



TWP. 50N

N89°45'52"E 146.70

S89°45'52"W



### PARCEL B

STAUBER ROBERT & SHIVAUNE  
PID NO. 395-0014-00150  
43,306 Sq. Feet  
0.99 Acres



W 1/4 COR SEC. 35,  
TWP. 50N, RGE. 15W  
PER DOC. 1287213  
POC

S LINE OF  
NW 1/4  
1979.89  
N89°45'52"E  
2012.89

N04°09'52"E 275.81  
224.95 S04°09'52"W

ohu  
ohu  
ohu  
ohu  
ohu  
ohu

### THOMPSON ROAD

S LINE OF E 1/2 OF SE 1/4 OF NW 1/4

S89°45'52"W 168.25

N89°45'52"E 201.25

NE  
1/4

OF

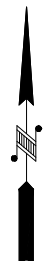
SW  
1/4

458.71

N89°45'52"E 3104.52

RGE. 15W

E 1/4 COR SEC. 2,  
TWP. 49N, RGE. 15W  
PER DOC. 11290978



### CERTIFICATE OF SURVEY

CLIENT:ROBB STAUBER

REVISIONS:

ADDRESS:5019 THOMPSON RD,  
HERMANTOWN, MN 55811

DATE:10-04-2023

JOB NO:23-306

SHEET 2 OF 2



PHONE: 218-727-5211  
LICENSED IN MN & WI  
WWW. ALTALANDSURVEYDULUTH.COM

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**5B. 5075 Willoughby Lane – Special Use Permit - Filling and grading within a Natural Environment Shoreland Overlay Zone**

**Applicant:** Glen Pratt  
**Case No.:** 2024-46 SUP  
**Staff Contact:** Eric Johnson, Community Development Director  
**Request:** Issue a special use permit for filling and grading within a Natural Environment Shoreland Overlay for construction of an accessory structure and associated driveway

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**RECOMMENDED ACTION:**

Approve a Special Use Permit for filling and grading within a Natural Environment Shoreland Overlay Zone.

**DESCRIPTION OF REQUEST:**

The applicant (Glen Pratt) desires to build an 1,800 square foot accessory structure on a property at 5075 Willoughby Lane. The proposed structure and driveway are within a Natural Environment Shoreland Area and will require filling and grading within an approximately 2,500 square feet area of disturbance.

**SITE INFORMATION:**

**Parcel Size:** 5.4 acres  
**Legal Access:** 5075 Willoughby Lane  
**Wetlands:** Yes, the northerly 80' per the National Wetland Inventory  
**Existing Zoning:** R-3, Residential  
**Airport Overlay:** None  
**Shoreland Overlay:** Yes – Natural Environment Shoreland  
**Comprehensive Plan:** Residential

**BACKGROUND**

The applicant owns a property with an existing home and detached accessory structure at 5075 Willoughby Lane and is looking to construct an additional 1,800 square accessory structure and related driveway in order to store personal items. The proposed work is within the Natural Environment Shoreland Area associated with Mogie Lake and is expected to impact approximately 2,500 square feet of shoreland area.

**Wetlands**

Per the National Wetland Inventory (NWI) there are wetlands located within the northerly 80 feet of the property, associated with Mogie Lake.

### **Shoreland Area**

The entirety of the property is located within a Natural Environment Shoreland Area and is subject to the requirements of the City's Shoreland Ordinance as it pertains to grading a filling within a shoreland area.

### **Special Use Permit**

The Special Use Permit is for filling and grading within a Shoreland zone. There are general conditions for all SUPs. Staff finds the following in regard to the criteria for Special Use Permits in the Zoning Ordinance:

No special use permit shall be approved unless positive findings are made with respect to each and every one of the following criteria:

- 1. The proposed development is likely to be compatible with development permitted under the general provisions of this chapter on substantially all land in the vicinity of the proposed development;**

The proposed use is compatible with development within the vicinity which is characterized by low and medium density residential and residential compatible uses.

- 2. The proposed use will not be injurious to the use and enjoyment of the environment, or detrimental to the rightful use and enjoyment of other property in the immediate vicinity of the proposed development;**

Conditions placed on the SUP to minimize the clearing and grading within the shoreland area meet the intent of the zoning ordinance to protect natural resources. The development of an accessory structure is an allowed use within the R-3 zoning district.

- 3. The proposed use is consistent with the overall Hermantown Comprehensive Plan and with the spirit and intent of the provisions of this chapter;**

The property is within an area marked for residential development on the Hermantown Comprehensive Plan. The purpose of the Shoreland Overlay Zone is to protect public waterways. Impervious surface caps are included to prevent excessive runoff from constructed surfaces and the proposed impervious surface is below maximum limits.

- 4. The proposed use will not result in a random pattern of development with little contiguity to existing programmed development and will not cause negative fiscal and environmental effects upon the community.**

The proposed use is similar to uses of nearby properties in density and style.



**5. Other criteria required to be considered under the provisions of this code for any special use permit.**

The applicant will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2.

**Findings of Fact and Recommendations**

Staff recommends approval of the special use application to construct an accessory structure in a Natural Environment Shoreland Area, subject to the following:

1. The approval is for a Special Use Permit for filling and grading in a Natural Environment Shoreland area for the purpose of constructing an accessory structure. The Community Development Director may approve minor variations to filling and grading as long as the variations do not result in any wetland impacts.
2. The City will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2 including, but not limited to:
  - a. The smallest amount of bare ground is exposed for as short a time as feasible;
  - b. Temporary groundcover, such as mulch, is used, and permanent groundcover, such as sod, is planted;
  - c. Adequate methods to prevent erosion and trap sediment are employed;
  - d. Fill is stabilized to accepted engineering standards;
  - e. Adequate methods are employed to reduce the runoff and/or flow of water on or over the affected shoreland so that the grading, filling or alteration of the natural topography does not contribute to downstream flooding;
  - f. Adequate methods are employed to preserve water quality so that the grading, filling or alteration of the natural topography will not detrimentally affect the quality of the public waters of the City of Hermantown;
  - g. Adequate methods are employed for the preservation or establishment of local vegetation that provides wildlife habitat and screening; and
  - h. Fill used will consist of suitable material free from toxic pollutants in other than trace quantities.
3. The applicant shall sign a consent form assenting to all conditions of this approval.
4. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

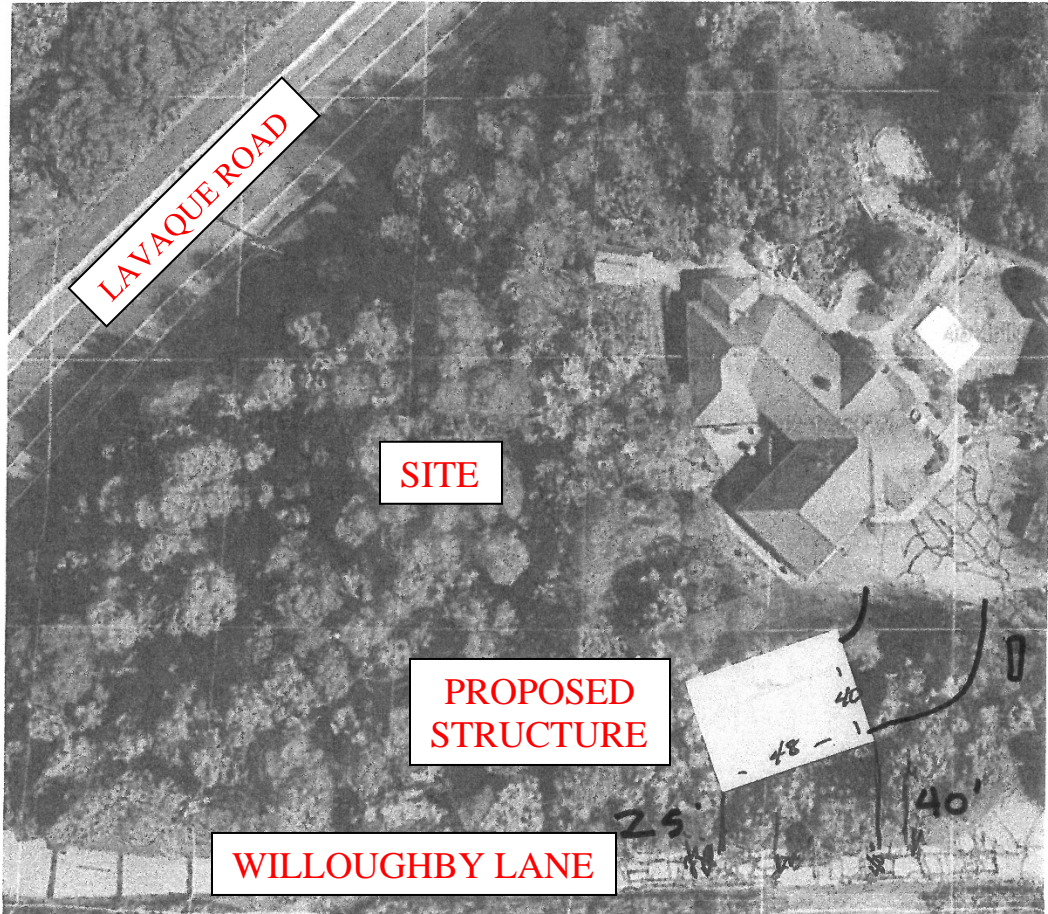
**ATTACHMENTS**

- Location Map
- Proposed Site Plan
- Shoreland Overlay Map

# Location Map



**Site Plan**





**Shoreland Map**





**5C. 5075 Willoughby Lane – Special Use Permit to construct an 1,800 square foot accessory structure in an R-3 zoning district**

|                              |  |
|------------------------------|--|
| <b><u>Applicant:</u></b>     | Glen Pratt   |
| <b><u>Case No.:</u></b>      | 2024-46 SUP  |
| <b><u>Staff Contact:</u></b> | Eric Johnson, Community Development Director   |
| <b><u>Request:</u></b>       | Issue a special use permit for construction of an 1,800 square foot accessory structure and associated driveway in a R-3 zoning district |

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**RECOMMENDED ACTION:**

Staff recommends that the Planning Commission recommend approval of the proposed Special Use Permit for the construction of a 1,800 (40’ x 48’) square foot accessory building for City Council consideration subject to the attached conditions.

**DESCRIPTION OF REQUEST:**

The applicant (Glen Pratt) desires to build an 1,800 square foot accessory structure on a property at 5075 Willoughby Lane. Construction of an accessory structure over 1,200 square feet in size is permitted with a Special Use Permit per Section 515.03.1 of the Zoning Ordinance. The applicant is requesting approval for construction of an 1,800 square foot accessory structure.

**SITE INFORMATION:**

|                            |   |
|----------------------------|---|
| <b>Parcel Size:</b>        | 7.3 acres   |
| <b>Legal Access:</b>       | 5075 Willoughby Lane                                      |
| <b>Wetlands:</b>           | Yes, the northerly 80’ per the National Wetland Inventory |
| <b>Existing Zoning:</b>    | R-3, Residential  |
| <b>Airport Overlay:</b>    | None  |
| <b>Shoreland Overlay:</b>  | Yes – Natural Environment Shoreland                       |
| <b>Comprehensive Plan:</b> | Residential   |

**BACKGROUND**

Accessory structures over 1,200 square feet in size are permitted only with a Special Use Permit in the R-3, Residential Zoning District. The applicant is requesting approval to construct a 1,800 square foot accessory building. The accessory building would be 40 feet by 48 feet in size, with 16-foot sidewalls. The overall height of the proposed building is approximately 22 feet. The construction type would be slab-on-grade, with steel siding and roof. The building will be used to house the applicant’s personal belongings. No business activity is proposed as part of this use.

The proposed property is located on Willoughby Lane, it is a triangular shaped lot with the lot dimensions being approximately 600' x 650' for a total of +/-7.3 acres. The proposed accessory structure is approximately 330 feet from the nearest neighboring structure and approximately 20 feet from Willoughby Lane and 350 feet from Lavaque Road.

Section 515.06.5 of the Zoning Ordinance lists the dimensional requirements for accessory structures in excess of 1,200 square feet. They are:

| <b>Table 1. Dimensional requirements for accessory structures in excess of 1,200 square feet</b> | <b>R-3 Requirement</b>  | <b>Provided</b>                |
|--|---|--------------------------------|
| Minimum depth of front yard from R.O.W.  | Equal to or greater than the building line of the primary structure | 20 feet (requires variance)    |
| Minimum side yard setback  | Equal to the height of the accessory structure                      | 105 feet                       |
| Minimum rear yard setback  | Equal to the height of the accessory structure                      | N/A – property has 2 frontages |
| Minimum setback from primary structure   | 10 feet   | +/- 45 feet                    |
| Maximum building height  | 35 feet   | 22 feet                        |
| Maximum sidewall height  | 14 feet   | 16 feet (requires variance)    |

There are several requirements that must be satisfied in order to qualify for a Special Use Permit, from Section 725 “Governing Criteria” of the Zoning Ordinance.

1. *Is the development compatible with development permitted under the general provisions of the Zoning Ordinance for lands in its vicinity?*  
 There are no significant accessory structures in the vicinity of the property. However, the Zoning Ordinance allows for 35% lot coverage for structures on a property. With the addition of a 1,800 square foot structure, the property would be at approximately 2.6%.
  
2. *Is the proposed use injurious to the use and enjoyment of the environment, or detrimental to the rightful use and enjoyment of other property in its vicinity?*  
 The proposed accessory structure will not impact adjacent properties or the community in general. The accessory structure will allow the owner to improve their property by providing storage for personal property.
  
3. *Is the use consistent with the Comprehensive Plan and the spirit and intent of the Zoning Ordinance?*  
 The proposed accessory structure is consistent with Comprehensive Plan recommendations for residential areas of the City. The Zoning Ordinance allows for up to 35% lot coverage for structures with the proposed property being at 2.6% coverage after the construction of the proposed accessory structure. The proposed use meets the performance standards set in Section 515.06.5 regulating accessory structures in excess of 1,200 square feet.

4. *Will the use result in a random pattern of development, or cause negative fiscal and environmental effects upon the community?*

The Zoning Ordinance allows for 35% lot coverage for structures on a property. With the addition of a 1,800 square foot structure, the property would be at approximately 2.6%

5. *Are there other criteria of the Zoning Ordinance that should be considered?*

The applicant will be required to obtain variances for the decreased front yard setback from Willoughby Lane as well as for the increase in the side wall height from 14 to 16 feet.

### **Wetlands**

The National Wetland inventory shows the potential presence of wetlands in the northerly 80' of the property.

### **Summary**

The applicant meets the requirements for a Special Use Permit. Staff recommends a motion to recommend approval of the application to the City Council, subject to included conditions.

### **Recommendation**

Staff recommends approval of the Special Use Permit, subject to the following conditions:

1. The approval is for a 1,800 square foot accessory structure on the property at 5075 Willoughby Lane (395-0014-00181).
2. The proposed accessory structure shall meet all setback requirements and/or obtain a variance for setbacks for Accessory Structures in the R-3 Zoning District.
3. The proposed accessory structure location is depicted on the approved site plan. If approved by the Community Development Director, the accessory structure may be placed in other locations on the site, however the 1,800 square foot accessory building will need to meet the minimum setback requirements and/or obtain a variance per Section 515.06.5 of the Zoning Ordinance.
4. Erosion control measures shall be utilized and remain in place throughout the construction period and shall not be removed until vegetation is established on the site.
5. Accessory structures shall not be utilized for any use or activity not otherwise allowed in the zone district in which such accessory building is to be located.
6. No business activity is allowed in association with the accessory structure approval.
7. The applicant shall sign a consent form assenting to all conditions of this approval.
8. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

### **ATTACHMENTS**

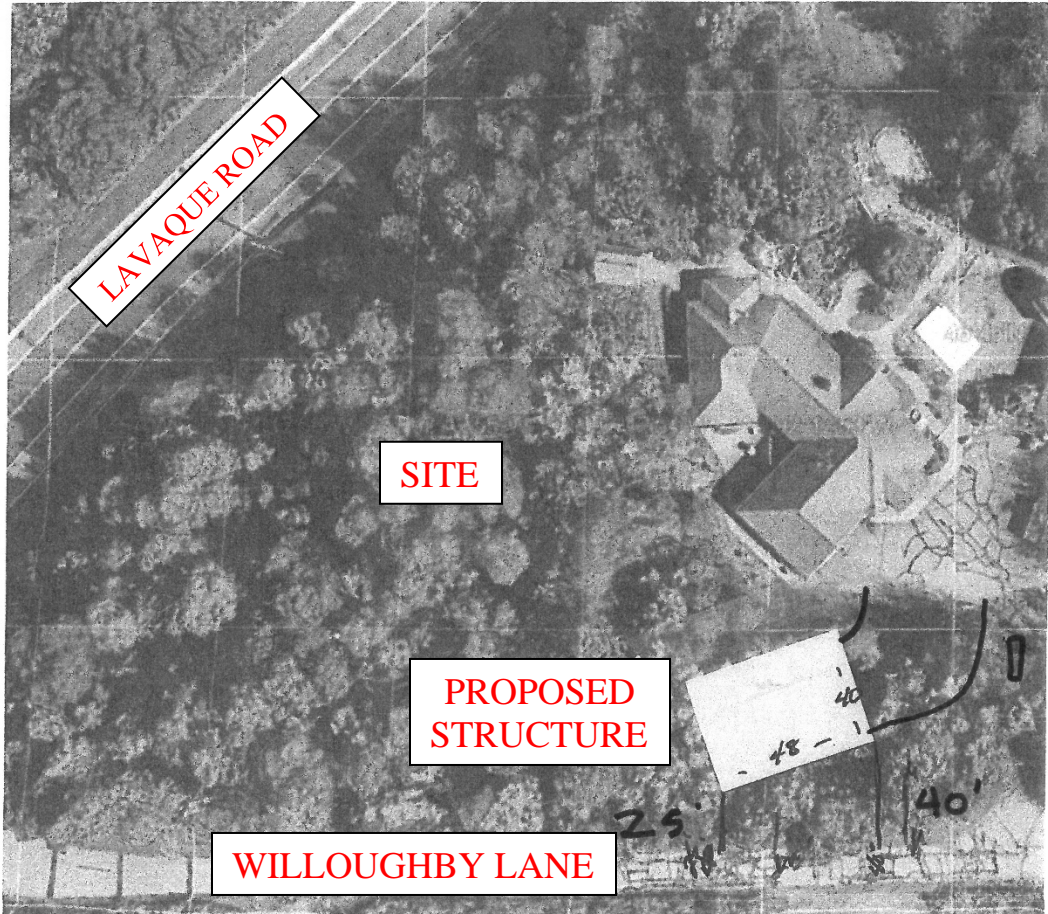
- Location Map
- Proposed Site Plan
- Proposed Structure Images

# Location Map

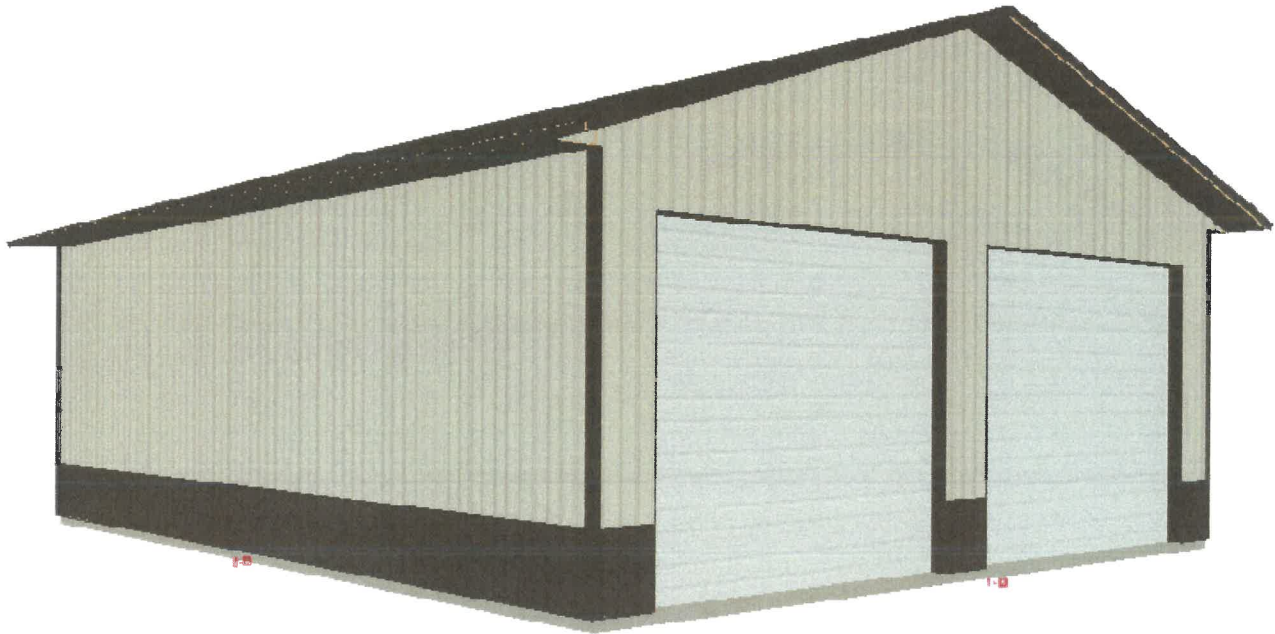
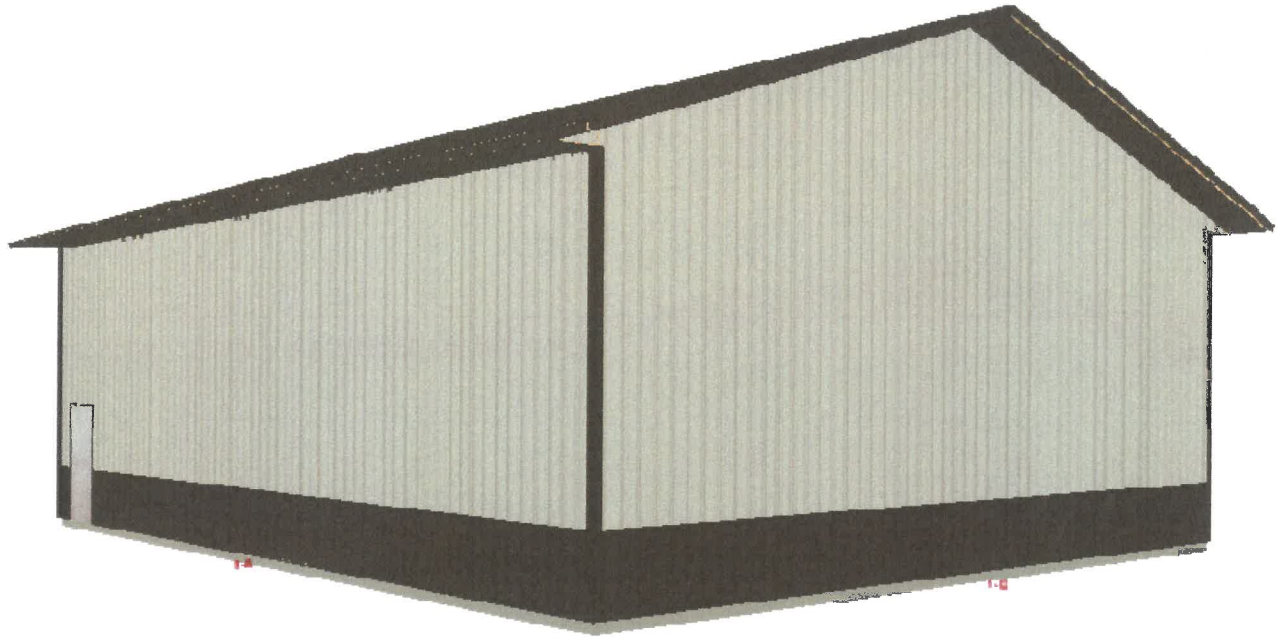




**Site Plan**



Elevation Views



*DOORS WILL MATCH HOUSE*









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**5D. 5075 Willoughby Lane – Application for a front yard setback and side wall height associated with a proposed accessory structure in an R-3 zoning district**

**Applicant:** Glen Pratt  
**Case No.:** 2024-46 SUP  
**Staff Contact:** Eric Johnson, Community Development Director  
**Request:** Request a variance to the front yard setback and side wall height associated with a proposed accessory structure in a R-3 zoning district

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**RECOMMENDED ACTION:**

Planning and zoning consideration of the Variance subject to included conditions.

**DESCRIPTION OF REQUEST:**

The applicant (Glen Pratt) desires to build an 1,800 square foot accessory structure on a property at 5075 Willoughby Lane. Willoughby Lane is a private road maintained by an association, with the applicant owning the land associated with the western 530 feet of Willoughby Lane.

The construction of the accessory structure requires two variances: 1) 30' variance reduction from Willoughby Lane and 20 increase in height of side wall from 14 feet to 16 feet.

**SITE INFORMATION:**

**Parcel Size:** 7.3 acres  
**Legal Access:** 5075 Willoughby Lane  
**Wetlands:** Yes, the northerly 80' per the National Wetland Inventory  
**Existing Zoning:** R-3, Residential  
**Airport Overlay:** None  
**Shoreland Overlay:** Yes – Natural Environment Shoreland  
**Comprehensive Plan:** Residential

**BACKGROUND**

The proposed property is located on Willoughby Lane, it is a triangular shaped lot with the lot dimensions being approximately 600' x 650' for a total of +/-7.3 acres. The proposed accessory structure is approximately 330 feet from the nearest neighboring structure and approximately 20 feet from Willoughby Lane and 350 feet from Lavaque Road.

Section 515.03 of the R-3 zoning ordinance allows for accessory structures in excess of 1,200 square feet with a Special Use Permit assuming the structure meets the dimensional requirements of Section 515.06.5. There was an initial question from staff regarding setbacks as they relate to a private roadway. Upon discussion with the City Attorney, it was concluded that the setbacks associated with the underlying zoning should be applied to both public and private roadways/right of way.

The zoning ordinance states front yard setbacks for accessory structures in excess of 1,200 square feet should be equal to or greater than the building line of the primary structure. In the case of this property, the land area along this line has steep topography which makes the placement of a structure a challenge. In addition, due to the location of the primary structure, the proposed accessory structure is unable to be located on the east side of the property.

The applicant is requesting to site the proposed accessory structure approximately 20 feet minimum from the paved surface of Willoughby Lane. This location allows for the applicant to utilize the existing driveway to access the proposed structure.

In addition to the front yard setback, the applicant is requesting to increase the height of the proposed structure’s sidewall from 14 feet to 16 feet. This would allow for the applicant to have taller doors for the structure which gives him flexibility as to what he can store in the structure.

Section 515.06.5 of the Zoning Ordinance lists the dimensional requirements for accessory structures in excess of 1,200 square feet. They are:

| Dimensional Requirements | R-3, Residential  | Proposed Project               |
|--------------------------|---|--------------------------------|
| Area                     | 0.5 acres with City utilities, 1.0 acres w/o City utilities | 7.3 acres                      |
| Lot width/frontage       | 100 feet  | 600 feet                       |
| Front yard setback       | 50 feet   | 20 feet                        |
| Rear yard setback        | 50 feet   | N/A – property has 2 frontages |
| Side yard setback        | 15 feet   | 105 feet                       |
| Maximum building height  | 35 feet   | 22 feet                        |
| Maximum sidewall height  | 14 feet   | 16 feet                        |

**General Variance Requirements**

Variance applications are considered by the Board of Appeals and can be appealed to the City Council by either an aggrieved applicant or by other citizens of the City who may be in opposition to the Board of Appeals action. In the case where there are other zoning related requests, the Planning and Zoning Commission hears and acts on variance requests.

A variance is requested from Section 515 – R-3, Residential of the Hermantown Zoning Regulations. Subsection 515.06.5. City Requirements states that the minimum depth of front yard for the proposed structure shall be equal to or greater than the primary structure. In addition, the applicant is seeking a variance in order to increase the sidewall height of the proposed accessory structure from 14 feet to 16 feet.

### Justification and Mitigation

1. (Justification) The applicant is proposing to construct an 1,800 square foot accessory structure within the front yard area. The proposed panel location requires a 30' variance from the front yard building setback.
2. (Mitigation) The subject property is accessed via a private roadway. The driving surface is approximately 20' from the closest point of the proposed building but the actual property line is approximately 115 feet to the south.

Per Section 615 – Governing Criteria, Variances of the Hermantown Zoning Regulations variances may only be permitted when all of the following criteria are satisfied:

1. The variance is in harmony with the general purposes and intent of the Hermantown zoning code.  
*Single family homes and accessory structures are allowed uses within the R-3, Residential zoning district. The unique nature of this development which is served by a private road as well as the siting of the existing home make for a challenging situation for the applicant.*
2. The variance is consistent with the Comprehensive Plan.  
*The variance is consistent with the Goals of the Comprehensive Plan as this is an existing single family home.*
3. There are practical difficulties in complying with the Hermantown zoning code.
  - a. Property owner proposes to use the property in a reasonable manner permitted by the Hermantown Zoning Code.  
*The proposed construction of an accessory structure is an allowed use with a Special Use Permit in the R-3, Residential zoning district. The steep grades to the west as well as the location of a propane tank to the east as well as the homes general location on the property make it difficult to locate the proposed accessory structure in a different location.*
  - b. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.  
*The property is generally and along with the existing steep topography to the west and overall house location make it difficult to locate the proposed accessory structure in a different location*
  - c. The variance, if granted will not alter the essential character of the locality.  
*The proposed construction of an accessory structure is an allowed use with a Special Use Permit in the R-3, Residential zoning district.*

### **Findings of Fact and Recommendations**

Should the Planning and Zoning Commission vote in favor of the variance request, the following apply:

1. The 30 foot Variance from the 50' front yard building setback is approved.
2. The 2 foot increase from 14 feet to 16 feet is approved for the sidewall height.
3. The proposal meets the requirements of Section 515, "R-3, Residential" of the Hermantown Zoning Ordinance.
4. The proposal meets the requirements of Chapter 6, "Variances" of the Hermantown Zoning Ordinance.
5. The applicant shall sign a consent form assenting to all conditions of this approval.
6. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

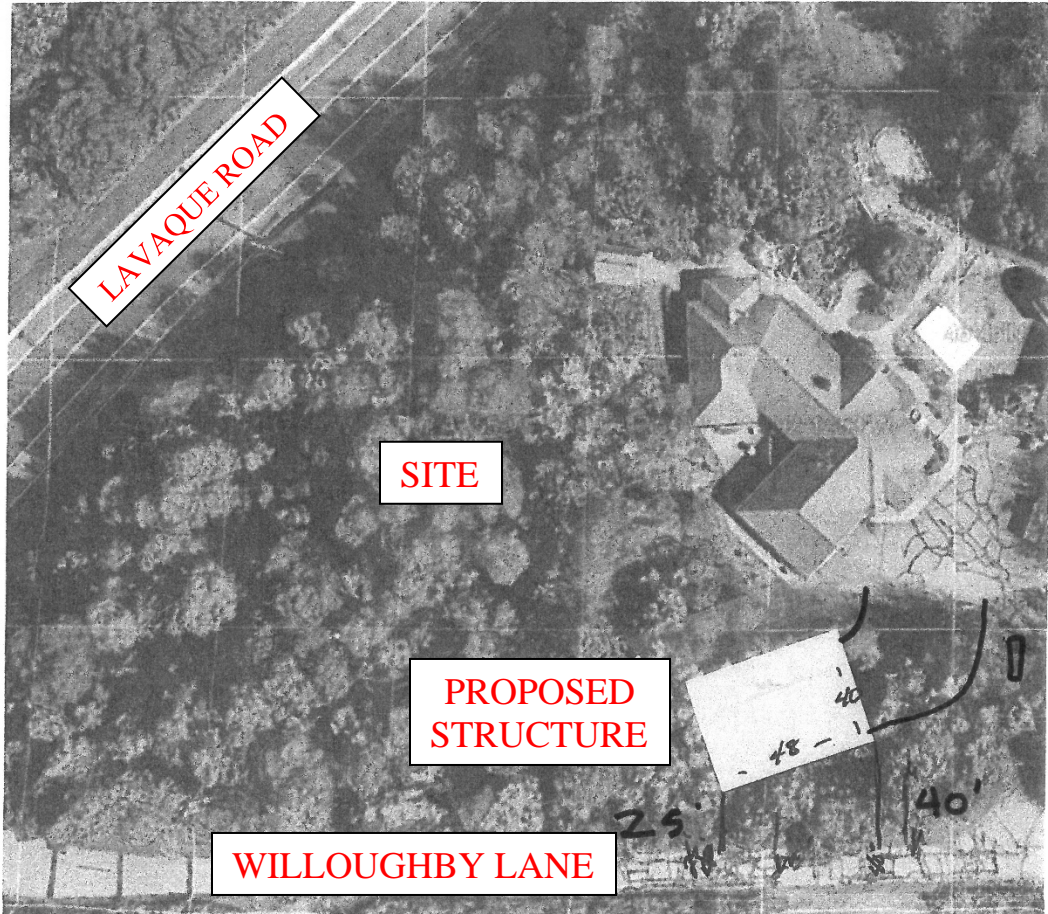
### **ATTACHMENTS**

- Location Map
- Proposed Site Plan
- Property Images

# Location Map



**Site Plan**

















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**5E. 5113 Sheridan Road– Special Use Permit - Filling and grading within a Natural Environment Shoreland Overlay Zone**

**Applicant:** Tyler Miller

**Case No.:** 2024-47 SUP

**Staff Contact:** Eric Johnson, Community Development Director

**Request:** Issue a special use permit for filling and grading within a Natural Environment Shoreland Overlay for construction of a single family home and associated driveway

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**RECOMMENDED ACTION:**

Approve a Special Use Permit for filling and grading within a Natural Environment Shoreland Overlay Zone.

**DESCRIPTION OF REQUEST:**

The applicant desires to build a single family residence on a property at 5113 Sheridan Road. The proposed single family home and driveway are within a Natural Environment Shoreland Area and will require filling and grading within an approximately 4,000 square feet area of disturbance.

**SITE INFORMATION:**

**Parcel Size:** 1.73 acres  
**Legal Access:** 5113 Sheridan Road  
**Wetlands:** Yes, the northerly 160' per the National Wetland Inventory  
**Existing Zoning:** R-3, Residential  
**Airport Overlay:** None  
**Shoreland Overlay:** Yes – Natural Environment Shoreland  
**Comprehensive Plan:** Residential

**BACKGROUND**

The applicant owns a vacant property at 5113 Sheridan Road and is looking to construct an 1,590 square foot home and related driveway. The proposed work is within the Natural Environment Shoreland Area associated with Mogie Lake and is expected to impact approximately 7,500 square feet of shoreland area.

**Wetlands**

Per the National Wetland Inventory (NWI) there are wetlands located within the northerly 160 feet of the property, associated with Mogie Lake.

## **Shoreland Area**

The entirety of the property is located within a Natural Environment Shoreland Area and is subject to the requirements of the City's Shoreland Ordinance as it pertains to grading a filling within a shoreland area.

## **Special Use Permit**

The Special Use Permit is for filling and grading within a Shoreland zone. There are general conditions for all SUPs. Staff finds the following in regard to the criteria for Special Use Permits in the Zoning Ordinance:

No special use permit shall be approved unless positive findings are made with respect to each and every one of the following criteria:

- 1. The proposed development is likely to be compatible with development permitted under the general provisions of this chapter on substantially all land in the vicinity of the proposed development;**

The proposed use is compatible with development within the vicinity which is characterized by low and medium density residential and residential compatible uses.

- 2. The proposed use will not be injurious to the use and enjoyment of the environment, or detrimental to the rightful use and enjoyment of other property in the immediate vicinity of the proposed development;**

Conditions placed on the SUP to minimize the clearing and grading within the shoreland area meet the intent of the zoning ordinance to protect natural resources. The development of a single family residence is an allowed use within the R-3 zoning district.

- 3. The proposed use is consistent with the overall Hermantown Comprehensive Plan and with the spirit and intent of the provisions of this chapter;**

The property is within an area marked for residential development on the Hermantown Comprehensive Plan. The purpose of the Shoreland Overlay Zone is to protect public waterways. Impervious surface caps are included to prevent excessive runoff from constructed surfaces and the proposed impervious surface is below maximum limits.

- 4. The proposed use will not result in a random pattern of development with little contiguity to existing programmed development and will not cause negative fiscal and environmental effects upon the community.**

The proposed use is similar to uses of nearby properties in density and style.

**5. Other criteria required to be considered under the provisions of this code for any special use permit.**

The applicant will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2.

**Findings of Fact and Recommendations**

Staff recommends approval of the special use application to construct a single family dwelling in a Natural Environment Shoreland Area, subject to the following:

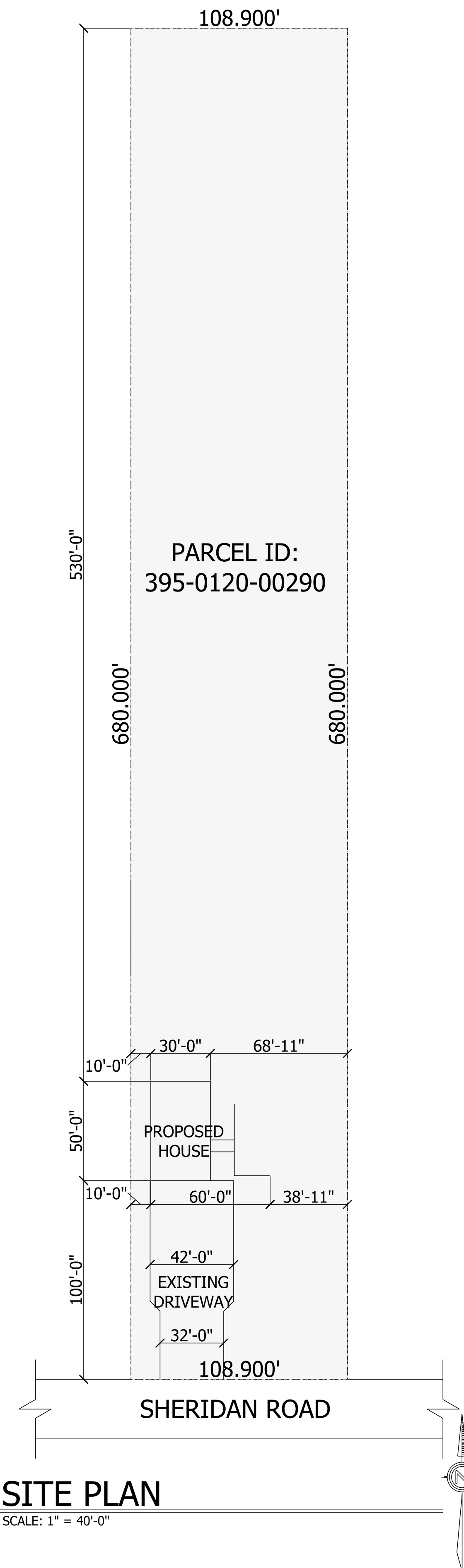
1. The approval is for a Special Use Permit for filling and grading in a Natural Environment Shoreland area for the purpose of constructing a single family structure. The Community Development Director may approve minor variations to filling and grading as long as the variations do not result in any wetland impacts.
2. The City will follow the rules for grading and filling in a Shoreland Overlay Zone established in Section 725.02 and Section 555.07.1 and 555.07.2 including, but not limited to:
  - a. The smallest amount of bare ground is exposed for as short a time as feasible;
  - b. Temporary groundcover, such as mulch, is used, and permanent groundcover, such as sod, is planted;
  - c. Adequate methods to prevent erosion and trap sediment are employed;
  - d. Fill is stabilized to accepted engineering standards;
  - e. Adequate methods are employed to reduce the runoff and/or flow of water on or over the affected shoreland so that the grading, filling or alteration of the natural topography does not contribute to downstream flooding;
  - f. Adequate methods are employed to preserve water quality so that the grading, filling or alteration of the natural topography will not detrimentally affect the quality of the public waters of the City of Hermantown;
  - g. Adequate methods are employed for the preservation or establishment of local vegetation that provides wildlife habitat and screening; and
  - h. Fill used will consist of suitable material free from toxic pollutants in other than trace quantities.
3. The applicant shall sign a consent form assenting to all conditions of this approval.
4. The applicant shall pay an administrative fine of \$750 per violation of any condition of this approval.

**ATTACHMENTS**

- Location Map
- Proposed Site Plan
- Shoreland Overlay Map

# Location Map





**1** SITE PLAN  
SCALE: 1" = 40'-0"



**ARCTEK DESIGN LLC**  
4376 MIDWAY ROAD  
HERMANTOWN  
MINNESOTA  
55811  
PHONE: (715) 494-9668  
ARCTEKDESIGN@OUTLOOK.COM

APPROVED:

CHECKED BY:

SCALE: 1" = 40'-0"

DRAWN BY: MSS

3/26/2024

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**Shoreland Map**

